

542,227

8-16-05

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 21 JUL 2005

WIPO

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Applicant's or agent's file reference 127P/PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US04/00892	International filing date (day/month/year) 13 January 2004 (13.01.2004)	Priority date (day/month/year) 17 January 2003 (17.01.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): A61K 38/00 and US Cl.: 514/12		
Applicant SOCIETE DE CONSEILS DE RECHERCHES ET		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:

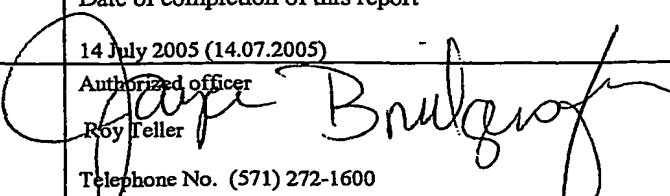
a. ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_ sheets, as follows:

- ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- |                                                 |                                                                                                                                                                 |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Box No. I   | Basis of the report                                                                                                                                             |
| <input type="checkbox"/> Box No. II             | Priority                                                                                                                                                        |
| <input checked="" type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |
| <input type="checkbox"/> Box No. IV             | Lack of unity of invention                                                                                                                                      |
| <input checked="" type="checkbox"/> Box No. V   | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI             | Certain documents cited                                                                                                                                         |
| <input type="checkbox"/> Box No. VII            | Certain defects in the international application                                                                                                                |
| <input type="checkbox"/> Box No. VIII           | Certain observations on the international application                                                                                                           |

Date of submission of the demand 12 July 2004 (12.07.2004)	Date of completion of this report 14 July 2005 (14.07.2005)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Roy Teller Telephone No. (571) 272-1600

Form PCT/IPEA/409 (cover sheet)(January 2004)

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/00892

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☒ the description:

pages 1-40 \_\_\_\_\_ as originally filed/furnished

pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the claims:

pages 41-57 \_\_\_\_\_ as originally filed/furnished

pages\* NONE \_\_\_\_\_ as amended (together with any statement) under Article 19

pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ the drawings:

pages NONE \_\_\_\_\_ as originally filed/furnished

pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* NONE \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/figs \_\_\_\_\_  
☐ the sequence listing (*specify*): \_\_\_\_\_  
☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_  
☐ the claims, Nos. \_\_\_\_\_  
☐ the drawings, sheets/figs \_\_\_\_\_  
☐ the sequence listing (*specify*): \_\_\_\_\_  
☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

Form PCT/IPEA/409 (Box No. I) (January 2004)

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/00892

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 1-8

because:

☐ the said international application, or the said claim Nos. \_\_\_\_\_ relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 1-8

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐

has not been furnished

☐

does not comply with the standard

the computer readable form

☐

has not been furnished

☐

does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/00892

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>9-28</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>9-28</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>9-28</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 9-28 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest peptide YY analogs.

Claims 9-28 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/00892

## Supplemental Box Relating to Sequence Listing

## Continuation of Box No. I, item 2:

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion was established on the basis of:

## a. type of material



a sequence listing



table(s) related to the sequence listing

## b. format of material



in written format



in computer readable form

## c. time of filing/furnishing



contained in the international application as filed



filed together with the international application in computer readable form



furnished subsequently to this Authority for the purposes of search and/or examination



received by this Authority as an amendment\* on \_\_\_\_\_

2. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

3. Additional comments:

\* If item 4 in Box No. I applies, the listing and/or table(s) related thereto, which form part of the basis of the report, may be marked "superseded."